

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT
1300 OAK STREET
KANSAS CITY, MISSOURI 64106**

DIVISION 1

**LISA WHITE HARDWICK, PRESIDING JUDGE
CYNTHIA MARTIN, JUDGE
GARY D. WITT, JUDGE**

DIVISION 2

**VICTOR C. HOWARD, PRESIDING JUDGE
THOMAS H. NEWTON, JUDGE
KAREN KING MITCHELL, JUDGE**

DIVISION 3

**GARY D. WITT, PRESIDING JUDGE
JAMES E. WELSH, JUDGE
ANTHONY REX GABBERT, JUDGE**

DIVISION 4

**ALOK AHUJA, CHIEF JUDGE, PRESIDING
MARK D. PFEIFFER, JUDGE
DALE YOUNGS, SPECIAL JUDGE**

ORAL ARGUMENT DOCKET - MAY, 2016

NOTICE TO COUNSEL

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

DIVISION 1: THIS DIVISION WILL SIT ON MAY 19 AND 24, 2016 WITH ONE DOCKET CALL AT 9:00 A.M.

DIVISION 2: THIS DIVISION WILL SIT ON MAY 5 AND 31, 2016 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.

DIVISION 3: THIS DIVISION WILL SIT ON MAY 4 AND 25, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

DIVISION 4: THIS DIVISION WILL SIT ON MAY 18, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:

In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

Original exhibits shall be deposited with the court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

DIVISION 3

GARY D. WITT, PRESIDING JUDGE

JAMES E. WELSH, JUDGE

ANTHONY REX GABBERT, JUDGE

MAY, 2016

**THIS DIVISION WILL SIT ON MAY 4 AND 25, 2016, WITH
DOCKET CALLS AT 9:00 AND 10:30 A.M.**

<p>IMPORTANT NOTE</p>

<p> <u>PLEASE NOTE THE TIME AND DATE OF YOUR ARGUMENT. THIS INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR CASE IS LISTED.</u> </p>

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

4-May-2016 09:00 DIVISION 3 Western District Ct of Appeals

1. WD78307 JACKSON COUNTY CIRCUIT COURT

**BRYAN KRANTZ, APPELLANT,
vs
JACKSON COUNTY, MISSOURI, RESPONDENT.**

BRYAN KRANTZ, Appellant
LYNNE JABEN BRATCHER
MARIE LYNNE GOCKEL
JACKSON COUNTY, MISSOURI, Respondent
PAUL D SEYFERTH
NICKALOUS CHRISTIAN SEACORD
KIMBERLY A JONES

2. WD79209 LABOR AND INDUSTRIAL RELATIONS

**WILLIAM WUNDERLICH, APPELLANT,
vs
DEANNA JENSEN, RESPONDENT; DIVISION OF EMPLOYMENT SECURITY, RESPONDENT.**

WILLIAM M WUNDERLICH, Appellant
ROBERT BENJAMIN REESER JR
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
ANDREW C HOOPER
DEANNA JENSEN, Respondent Acting Pro Se-DID NOT FILE BRIEF AND WAIVES ARGUMENT.

3. WD78655 LABOR AND INDUSTRIAL RELATIONS

**MERTENS CONSTRUCTION COMPANY, INC., APPELLANT,
vs
DIVISION OF EMPLOYMENT SECURITY, RESPONDENT.**

MERTENS CONSTRUCTION COMPANY, INC., Appellant
JILL RENEE REMBUSCH
THOMAS RILEY
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
SARA HILARY HARRISON

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

4-May-2016 10:30

DIVISION 3

Western District Ct of Appeals

**1. WD78947
WD78982**

COLE COUNTY CIRCUIT COURT

**STATE OF MISSOURI, EX REL, CHRIS KOSTER, ATTORNEY GENERAL,
APPELLANT-RESPONDENT,
vs
MARK BAILEY, RESPONDENT-APPELLANT.**

STATE OF MISSOURI, Appellant-Respondent
MICHAEL DAVID MORRIS
MARK BAILEY, Respondent-Appellant
MICHAEL S SHIPLEY

2. WD78749

LABOR AND INDUSTRIAL RELATIONS

**DIANE ACCURSO, APPELLANT,
vs
PLATTE COUNTY DISTRICT R-III SCHOOL, DEFENDANT; DIVISION OF EMPLOYMENT SECURITY,
RESPONDENT.**

DIANE ACCURSO, Appellant Acting Pro Se
PLATTE COUNTY DISTRICT R-III SCHOOL, Defendant
STATE OF MISSOURI DIVISION OF EMPLOYMENT SECURITY, Respondent
NINION S RILEY

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

25-May-2016 09:00

DIVISION 3

Western District Ct of Appeals

1. WD79261

LABOR AND INDUSTRIAL RELATIONS

**TREASURER OF THE STATE OF MISSOURI, CUSTODIAN OF THE SECOND INJURY FUND,
APPELLANT,
vs
CARL HORTON, RESPONDENT.**

TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Appellant
MAGGIE MAY AHRENS
CARL HORTON, Respondent
CHRISTINE MICHELE KIEFER

2. WD78869

MILLER COUNTY CIRCUIT COURT

**LAKE OZARK-OSAGE BEACH JOINT SEWER BOARD, ET AL., APPELLANTS,
vs
MISSOURI DEPARTMENT OF NATURAL RESOURCES, LAND RECLAMATION COMMISSION AND
MAGRUDER LIMESTONE CO., INC., RESPONDENTS.**

VICKY STOCKMAN, Appellant
STEVEN E MAUER
LARRY STOCKMAN, Appellant
STEVEN E MAUER
LAKE OZARK/OSAGE BEACH JOINT SEWER BOARD, Appellant
STEVEN E MAUER
MAGRUDER LIMESTONE CO., INC., Respondent
S. JAY DOBBS
AMY DAWN FITTS
ADAM RICHARD TROUTWINE
MISSOURI LAND RECLAMATION COMMISSION, Respondent
TIMOTHY P DUGGAN-did not file a brief & waives argument
MISSOURI DEPARTMENT OF NATURAL RESOURCES, Respondent
TIMOTHY P DUGGAN-did not file a brief & waives argument

**MISSOURI JUDICIARY
WESTERN DISTRICT CT OF APPEALS**

Docket

25-May-2016 10:30

DIVISION 3

Western District Ct of Appeals

1. WD78510

CASS COUNTY CIRCUIT COURT

**STATE OF MISSOURI, RESPONDENT,
vs
THOMAS JOSEPH PRESLEY, APPELLANT.**

THOMAS J PRESLEY, Appellant
WILLIAM J. SWIFT
STATE OF MISSOURI, Respondent
SHAUN MACKELPRANG

2. WD79459

COLE COUNTY CIRCUIT COURT

**PROGRESS MISSOURI, INC., ET AL., APPELLANTS,
vs
MISSOURI SENATE, ET AL, RESPONDENTS.**

SEAN SOENDKER NICHOLSON, Appellant
CHRISTOPHER NEVILLE GRANT
GEORGE OWEN SUGGS
PROGRESS MISSOURI, INC., Appellant
CHRISTOPHER NEVILLE GRANT
GEORGE OWEN SUGGS
MISSOURI SENATE, Respondent
JEREMIAH MORGAN